

Application No. 10/009,917

REMARKS

Claims 23-40 are pending. By this Amendment, claims 23-40 are amended, and no claims are canceled or added.

Claims 23-40 have been amended to more closely conform to customary U.S. practice and to address objections and rejections of the claims identified in the Office Action. No narrowing amendments are intended. Support for the amendments to the claims can be found throughout the application as filed. Therefore, no new matter has been added.

The Office Action identified the response filed on October 28, 2005, as non-responsive for failing to address certain objections and rejections but waived the requirement to respond due to the non-responsiveness. Applicant thanks the Examiner for this courtesy and respectfully submits that the objections and rejections are fully addressed below.

Claim Objections

Claims 23 and 27 were objected to for lacking antecedent basis for certain claim limitations. Claims 23 and 27 have been amended herein, and Applicant respectfully requests that the objections be withdrawn.

Claim Rejections – 35 U.S.C. § 112

Claims 36 and 40 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “likely” has been deleted from each claim 36 and 40. Claim 36 now recites a “database including recorded characteristic data of selected persons, the persons selected based on a likelihood to make calls or to be called.” Claim 40 now recites “a database including recorded characteristic data of persons selected based on a likelihood to

Application No. 10/009,917

call or be called.” Applicant therefore respectfully requests that the § 112, second paragraph, rejections of claims 36 and 40 be withdrawn.

Claim 28 stands rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, the Office Action identifies the phrase “the preliminary recording of the voice print” as not disclosed in the specification. Applicant first notes that the language of claim 28 corresponds with original claim 6 and is included in the application as filed at page 2, line 4. Applicant also respectfully submits, as mentioned in the response filed on October 28, 2005, that support can be found in the specification as filed, e.g., at page 4, lines 13-27. “The caller is identified and more precisely authenticated by an analysis of characteristics that are specific to him, in particular biometric characteristics: *voice print*, name (family name)[,] fingerprint. . . . Thus, each employee of the company will have a ‘profile’ recorded in the unit U_{VO}.” Page 4, lines 16-26 (emphasis added). At page 5, lines 19-22, the specification further discloses that “the voice recognition unit RV follows the usual principle, namely: *learning*, checking, the adaptation to the module.” (Emphasis added.) The voice recognition unit RV thus follows “the usual principle” and “learns,” and claim 28 recites that a learning process takes place during a preliminary recording of a voice print. Applicant therefore respectfully traverses the rejection and requests withdrawal of the rejection.

Claim Rejections – 35 U.S.C. § 103

Claims 23-28, 30-33-36, and 38-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,327,347 to Gutzmann (hereinafter “Gutzmann”) in view of U.S. Patent No. 6,107,935 to Comerford et al. (hereinafter “Comerford”). Claims 29 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gutzmann in view of Comerford and further in view of U.S. Patent No. 5,825,871 to Mark (hereinafter “Mark”).

Application No. 10/009,917

Insofar as the rejections apply to the amended claims, the rejections are respectfully traversed. Even if combined as suggested in the Office Action, the cited references would not teach or suggest each limitation of the claims.

Claim 23 recites, in part, "providing, by the caller, an utterance enabling identification of the called party and identification of the caller on a basis of at least one piece of biometric data of the caller" and "wherein identification of the caller comprises a verification of identification of the caller on a basis of at least one other piece of biometric data, one of the pieces of biometric data being a voice print." Claim 23 thus requires at least two different pieces of biometric data, only one of which is a voice print. The specification of the present application discloses that biometric characteristics can include, for example, voice print, name (family name), and fingerprint.

Gutzmann teaches that "the intrinsic feature of the audible response is a voice profile of the utterance, more particularly the frequency spectrum and smoothness characteristics of the calling party's voice utterance" (column 4, lines 50-53). Applicant respectfully submits that Gutzmann therefore teaches a single "intrinsic feature," namely the voice profile of the utterance. This single intrinsic feature has two derived elements, a "frequency spectrum" and "smoothness characteristics." Unlike claim 23 of the present application, which claims "at least one piece of biometric data" and "at least one *other* piece of biometric data" (emphasis added), the two elements of Gutzmann are derived from one and the same intrinsic feature, namely the "calling party's voice utterance." Gutzmann also teaches the use of a "calling line identification number" or "unique code number" (col. 5, lines 26-31); however, neither are biometric data. Gutzmann further teaches use of a "fingerprint imprint" or "facial image" (col. 4, line 47) but only "alternatively" to an audible response (col. 4, line 46). Comerford teaches the use of "a name or some other non-acoustic identifying indicia (e.g., personal identification number)" (col. 4, lines 32-34) but not in combination with at least one other piece of biometric data. See also

Application No. 10/009,917

col. 3, lines 48-53, of Comerford (disclosing the use of “other biometric attributes . . . *in place of* speech and voiceprints,” not in addition to or in combination with).

Even if the frequency spectrum and smoothness characteristics of Gutzmann are two different biometric characteristics, which Applicant respectfully submits they are not, claim 23 also recites that “identification of the caller comprises a *verification* of identification of the caller on a basis of at least one other piece of biometric data” (emphasis added). Neither Gutzmann nor Comerford teaches or suggests, after identification of the caller based on the frequency spectrum of the calling party’s voice, *verifying* the identity using the smoothness characteristics, or any other biometric data. Gutzmann teaches use of the frequency spectrum and smoothness characteristics but as a single intrinsic property for identification, not for verification alternatively or additionally. See also col. 6, lines 25-28 of Gutzmann (disclosing a requirement of both the intrinsic property and the calling line identification information; however, calling line identification information is not biometric data). Comerford teaches verification but by comparison to a calculated measure (see col. 4, lines 41-50), not on the basis of at least one other piece of biometric data.

Although not cited with respect to claim 23, Mark also does not teach or suggest the method of claim 23.

Applicant therefore submits that claim 23 is allowable at least for the reasons set forth above. Claims 24-34 depend from claim 23 and are therefore also allowable. The rejections of claims 24-34 are traversed but not expressly argued in view of the allowability of the underlying base claim.

Similar to claim 23, claim 35 recites “identification of the caller based on a first piece of biometric data” and “means for verifying an identity of the caller based on a second piece of biometric data,” in combination with the other elements of the claim, and claim 40 recites, in part, “at least one first piece of biometric data enabling identification of a caller and at

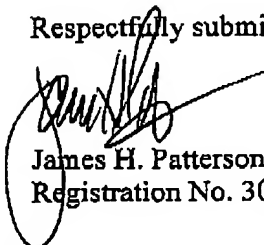
Application No. 10/009,917

least one second piece of biometric data to verify the identification.” Therefore, for reasons similar to those set forth above with respect to claim 23, claims 35 and 40 are also allowable. Claims 36-39 depend from claim 35 and are therefore also allowable. The rejections of claims 36-39 are traversed but not expressly argued in view of the allowability of the underlying base claim.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



James H. Patterson
Registration No. 30,673

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5741